

REMARKS/ARGUMENTS

Applicants have reviewed and analyzed the non-final Office Action dated February 21, 2008, and provide the following remarks and comments in response thereto. Claims 1, 4-6, 8 have been cancelled. Claims 10, 11, 14 and 15 have been amended. Claims 16-21 have been added. No new matter has been added. Claims 10-21 are pending. Reconsideration and allowance are respectfully requested.

Claim Rejections Under 35 U.S.C. §103

Claims 1, 4-6 and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Nikolovska *et al.* (U.S. Patent No. 6,281,898, “Nikolovska”) in view of Handelman *et al.* (U.S. Patent No. 6,312,336, “Handelman”), Beer (U.S. Patent No. 5,793,368, “Beer”) and Watanabe *et al.* (U.S. Patent No. 6,223,347, “Watanabe”). Claim 6 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Nikolovska, Handelman, Beer, Watanabe and Hendricks *et al.* (U.S. Patent No. 5,682,195, “Hendricks”). These rejections are traversed for the following reasons.

Amended independent claim 10 recites, *inter alia*, “receiving, at the broadcast receiving device, one or more criteria for making the user requested modification from the broadcast source; determining, at the broadcast receiving device, whether the one or more criteria has been satisfied; and in response to determining that the one or more criteria is satisfied, modifying the electronic programming guide in accordance with the user request.” Nowhere do any of the cited references, either separately or in combination, teach or suggest such features. Even assuming, without conceding, that the asserted combination of Nikolovska, Handelman, Beer and Watanabe is valid, the asserted combination results in a user setting a time trigger for a user-selected background. In contrast, claim 10 recites that the criteria used in modifying the electronic programming guide is received from the broadcast source while the modifications are user selected. Hendricks does nothing to cure the deficiencies identified above. At most, Hendricks describes the network controller having the capability of performing “on the fly programming” changes. Col. 22, ll. 39-40. Nonetheless, there is still no teaching or suggestion in Hendricks of receiving criteria for making a modification to an electronic programming guide from a broadcast source while the modification is user selected. In fact, Hendricks arguably teaches

against user selected modification (i.e., network controller performing on the fly programming). Accordingly, claim 10 is allowable for at least these reasons.

Independent claim 14 recites features similar to those discussed with respect to claim 10 and is thus allowable for substantially similar reasons as claim 10.

Claims 11-13 and 15 are dependent on claims 10 and 14, respectively, and are thus allowable for at least the same reasons as their base independent claim.

New Claims

Claims 16-21 have been added. While these claims have not been rejected, Applicants provide the following remarks in the interest of expediting prosecution.

Claims 16 and 17 are dependent on claim 14 and is thus allowable for at least the same reasons as claim 14.

Claim 18 recites features substantially similar to those discussed above with respect to claim 10 and is thus allowable for at least the same reasons as claim 10. Further, claims 19-21 are dependent on claim 18 and are thus allowable for at least the same reasons as claim 18.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3156.

Respectfully submitted,

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